IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.119 OF 2005

Praddip D.Prabhu & Anr. ..Petitioners.

V/s.

Staste of Maharashtra. ..Respondent.

Mr.Vijay Hiremath for petitioners.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 30, 2005.

P.C. :

1. Heard counsel for the parties.

2. Counsel for the applicant may be justified in making grievance that the court below has not specified the witnesses who have spoken against the applicant to indicate complicity of the applicant in the alleged offence. To reassure myself with the assistance of learned APP, my attention has been drawn to the FIR as well as the material which supports the finding reached by the court below that the FIR, statements of witnesses and material on record disclose ingredient of alleged offence as well as indicates complicity of the applicant. The fact that other accused have only indicated the name of

the applicant and the applicant was not present will make no difference, if the charge is one of conspiracy. Indeed, the applicant will have to establish that case at the trial. Accordingly, there is no merit in this petition. Dismissed.

3. All questions are left open which will be tried at the trial on its own merits.